

CITY of BURIEN
Department of Community Development

Interpretation # 00-05

Subject: Clarification of tree retention calculation (BMC 19.25.120)

Interpretation: It is my interpretation that any fraction resulting from the application of BMC 19.25.120 shall be rounded up to the nearest whole number.

Findings of Fact:

- *The defined or common meaning of the words of the provision:*
 1. Zoning Code Section 19.25.120 requires retention of significant trees in certain situations. In landscape categories A, B, C and D, a percentage of significant trees are required to be retained. In some cases, the resulting percentage may be less than 1 tree or may result in a non-whole number (such as 4.35 trees).
 2. The Zoning Code does not provide guidance on the rounding of fractions for significant tree retention.

- *The general purpose of the provision as expressed in the provision.*

Zoning Code Section 19.25.020.4 provides as one of the purposes of Chapter 19.25: “Retaining existing vegetation and significant trees by incorporating them into the site design.” The chapter also provides “minimum standards for tree retention and landscaping” (emphasis added) and is to “promote retention and protection of existing vegetation.” (BMC 19.25.020)

- *The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan and applicable purpose and intent statements in this Code.*

Based on the purposes of the chapter, especially the promotion of tree retention and the characterization of the regulations as minimum standards, Section 19.25.120 should be read in a manner that provides for greater rather than lesser tree retention.

Conclusions:

Any fraction resulting from the application of BMC 19.25.120 shall be rounded up to the nearest whole number.

Robert G. Odle
Community Development Director

December 7, 2000
Date